

**A RESOLUTION
BY PUBLIC SAFETY AND
LEGAL ADMINISTRATION COMMITTEE**

02-*ℓ*-2114

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO EXECUTE A RETAINER AGREEMENT WITH THE LAW FIRMS OF KILPATRICK STOCKTON, LLC AND JOHNSON & FREEMAN, LLC TO SERVE AS OUTSIDE COUNSEL TO THE CITY OF ATLANTA IN CONNECTION WITH CONTRACT MATTERS, CONSTRUCTION MANAGEMENT ISSUES, INFRASTRUCTURE, TELECOMMUNICATIONS AND ENVIRONMENTAL ISSUES ARISING FROM HARTSFIELD ATLANTA INTERNATIONAL AIRPORT AND THE DEPARTMENT OF AVIATION; TO AUTHORIZE THE ENGAGEMENT OF OUTSIDE COUNSEL TO REPRESENT THE CITY OF ATLANTA IN THE MATTER OF *5R CONSTRUCTORS, LLC V. CITY OF ATLANTA, ET AL*, CAFN: 1:02-CV-3114 UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA; TO AUTHORIZE EXPENDITURES FOR THAT PURPOSE IN AN AMOUNT NOT TO EXCEED \$400,000; AND FOR OTHER PURPOSES.

Whereas, Hartsfield Atlanta International Airport is undertaking unprecedented construction and development pursuant to the Hartsfield Master Plan, a \$5.4 Billion project to be implemented by 2010; and

Whereas, a new Fifth Runway, the Concourse E International Terminal Project, Consolidated Rental Car Facility, South Domestic Terminal Expansion, Other Airfield Improvements and Support Facilities are the major components of the Mater Plan; and

Whereas, Hartsfield's passenger traffic reach 75.9 million during 2001, continuing its status as the world's passenger airport; and



Whereas, the readiness to proceed with critical projects is essential to the Airport's viability given the forecast demand of 121 million passengers by 2015;

Whereas, timely opening of the new 9,000 foot Fifth Runway, of which the I-285 Bridge Structure Construction is a key element, is a pivotal piece of the America's national airspace system; and

Whereas, that level of design, construction and development will engender a myriad of legal issues that have never been handled in the City of Atlanta; and

Whereas, the City Attorney has determined that expertise in nexus of Aviation Law, Construction Law, Environmental Law, Municipal Finance, Public Infrastructure, Public Procurement, and Telecommunications would be beneficial to the City of Atlanta; and

Whereas, the City Attorney solicited proposals from law firms seeking the foregoing expertise; and

Whereas, having considered the written proposals, the City Attorney further conducted oral interviews with various firms who prepared submissions; and

Whereas, the firms of Kilpatrick Stockton, LLC and Johnson & Freeman, LLC submitted the most responsive proposal, having the most extensive experience in the practice areas enumerated above.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY RESOLVES that the City Attorney be and is authorized to retain the law firms of Kilpatrick Stockton, LLC and Johnson & Freeman, LLC to serve as outside counsel on construction, telecommunications, infrastructure, procurement, contracting and environmental matters arising from implementation of the Master Plan at Hartsfield Atlanta International Airport.

BE IT FURTHER RESOLVED that the City Attorney is further authorized to use the services of Kilpatrick Stockton, LLC and Johnson & Freeman, LLC to serve as outside counsel on procurement claims and appeals arising from the design and construction of the I-285 Bridge Structure, including but not limited to litigation styled *5R Constructors, LLC v. City of Atlanta, et al*, now pending in the United States District Court for the Northern District of Georgia, Civil Action File No.: 1:02-cv-3114.



BE IT FINALLY RESOLVED that the Chief Financial Officer is hereby authorized to remit payment of all legal fees, expenses and costs due for legal services rendered by the law firms of Kilpatrick Stockton, LLC and Johnson & Freeman, LLC in connection with forgoing matters once approved for payment by the City Attorney, in an amount not to exceed \$400,000.00 to be paid from Fund Account and Center Number 2H01 529017 T31001.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

DEC 02, 2002
DEC 10, 2002

RCS# 4299
12/02/02
5:43 PM

Atlanta City Council

Regular Session

02-R-2114 Retainer Agree For Outside Council Re.
5R Contractors vs. City of Atlanta
ADOPT

YEAS: 10
NAYS: 1
ABSTENTIONS: 0
NOT VOTING: 5
EXCUSED: 0
ABSENT 0

Y Smith	NV Archibong	Y Moore	Y Mitchell
NV Starnes	Y Fauver	Y Martin	Y Norwood
N Young	Y Shook	Y Maddox	NV Willis
NV Winslow	Y Muller	Y Boazman	NV Woolard

(Do Not Write Over 2114)

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APPROVED BY:

Robert R. Newell
ROBERT R. NEWELL
DEPUTY CITY ATTORNEY

ADOPTED BY
DEC 02 2002

COUNCIL

- ☐ CONSENT REFER
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER
☐ PERSONAL PAPER REFER

Date Referred
Referred To:
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First Reading

Committee _____
Date _____
Chair _____
Referred To _____

PLV Committee

11/24/02 Date

Chair Chair

Refer Referred To

Action
Fav, Adv, Hold (see rev. side)
Other

Members

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- FINAL COUNCIL ACTION
☐ 2nd ☐ 1st & 2nd ☐ 3rd
Readings
☐ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

DEC 02 2002

CERTIFIED
DEC 02 2002

Rick Douglas Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

Mayor's Action
DEC 10 2002